

September 2006

Volume 6

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

CIVIL RIGHTS UPDATE

CIVIL RIGHTS ENFORCEMENT AND COMPLIANCE – (CREC)

CREC MISSION STATEMENT

To provide leadership, direction, coordination, evaluation, and support to the Civil Rights efforts of the Animal and Plant Health Inspection Service.

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FY 2006 Administrator's Civil Rights Award

The Office of the Administrator is recognizing managers, supervisors and employees for leadership and contributions in support of Civil Rights and Equal Employment Opportunity during Fiscal Year 2006. Submit your nominations to USDA, APHIS, CREC, Attn: Sophia Kirby, 4700 River Road, Unit 92, 6A22-1, Riverdale, MD, 20737; by **September 29, 2006.** The Ceremony is scheduled for Thursday, October 19th, 2006.

Hispanic Heritage Month Observance

Public Law 100-402, Approved August 17, 1988, authorized the designation of the National Hispanic Heritage Month. Hispanic Heritage Month begins on September 15, the anniversary of independence for five Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. In addition, Mexico declared its independence on September 16 and Chile on September 18.

This year's theme is: *"Hispanic Americans: Our Rich Culture Contributing to America's Future"*

The term Hispanic, as defined by the U.S. Census Bureau, refers to Spanish-speaking people in the United States of any race. Of the 137 million people in the Civilian Labor Force, of the 2000 Census, more than 35 million people identified themselves as [Hispanic or Latino](#) (25.5%). While most identified themselves as Mexican (58.5%), some chose Puerto Rican (9.6%), Cuban (3.5), Dominican (2.2%); and still others chose 6 countries in Central America (other than Mexico) (4.8%) and 8 countries in South America (3.8%). In addition, 17.6% designated their national origin as "all other Hispanic or Latino."

The Headquarters Hispanic Employment Program Managers have planned an event for each week during Hispanic Heritage Month. The first was a presentation of the "Art from the Island of Hispaniola: A Look at Generational Progression", by Richard Pacer, DVM, Branch Chief/Team Leader, Biotechnology Regulatory Service; it was held on Thursday, September 21st.

On Tuesday of the next week, September 26, the Hispanic Heritage Month Formal Ceremony for 2006 was held at 10:00 a.m. in Riverdale, MD. The program consisted of a panel of APHIS employees who discussed this year's theme, a cultural arts performance delivered by "El Grupo Semilla", a talented group of musicians educated in Bolivia, South American," and food sampling provided by Pollo Fiesta, a Latin American restaurant.

A presentation of "The Culture of Peru", delivered by Marirene Muñiz, Second Secretary for Public Diplomacy, Peruvian Embassy is scheduled for Wednesday, October 4, 2006.

And finally, there will be a presentation of "The Culture of Argentina", delivered by María Verónica Muñoz, University of Maryland; on Wednesday, October 11, 2006.

iComplaints and EEOC 462 Reporting

USDA iComplaints System

The USDA iComplaint system is a fairly new database system that CREC has been using since FY 2005. The USDA iComplaints database system is a web-based application that not only provides a broad range of capabilities for inputting, processing, tracking, managing, and reporting on EEO complaint cases, but also includes a number of specific features required by government agencies and departments for tracking and managing EEO complaints and cases.

iComplaints is very helpful for running reports or queries detailing specified information including:

- ❖ Cases filed this fiscal year (*and previous fiscal years*)
- ❖ Cases resolved this fiscal year (*and previous fiscal years*)
- ❖ Methods/Types of closures
- ❖ Fees incurred
 - (*Cost of investigation as well as Settlement costs, if applicable*)
- ❖ Number of Informal contacts per fiscal year
- ❖ Length of time for each portion of the EEO complaints process
 - (*Time in Investigative process*)
 - (*ADR Timeliness*)

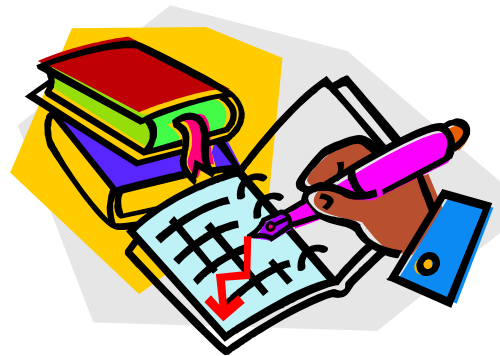
EEOC 462 Report

The 462 Report is an annual report required by Equal Employment Opportunity Commission (EEOC) that monitors statistical data for discrimination complaint activity that begins October 1st and ends September 30th.

The 462 report is one of many forms that EEOC uses to determine whether federal agencies are in compliance with Federal EEO Complaint Processing rules, regulations and procedures. The report shows, among other things, which federal agencies are accountable and operating within the timeframes required by EEOC to maintain a model EEO program.

Some examples of the information captured by the 462 report are as follows:

- Counseling Activity
- Formal Activity
- ADR Participation
- ADR Funding Spent
- Staff Resources
- Monetary and non monetary Settlements



APHIS Manager's EEO Helpline 1-800-372-7428

The EEO Help Line is an opportunity for managers to obtain EEO and Civil Rights assistance quickly and efficiently. Through the Helpline, managers request assistance in resolving EEO and program discrimination complaints and answers to general EEO issues and concerns.

APHIS EEO Advisory Committees

Civil Rights (EEO) Advisory Committees are at work in each program area. Each committee has a Charter and Mission Statement. The committees consist of a Chairperson and at least six Special Emphasis Program Managers, one for each of the following programs: African American, Native American, Asian American and Pacific Islander, Federal Women's, Disability Employment, and Hispanic Employment. The committees serve as links between managers and employees. The primary purpose of APHIS Special Emphasis Programs is to address the unique concerns of women, minorities, and individuals with disabilities in the employment and program delivery functions. Committees are not authorized to handle employment or program discrimination complaints or related matters. SEPMS and committee members must refer employees or applicants with complaints to the APHIS ADR Center, (800) 342-7231.

Any permanent employee may serve as a collateral duty Special Emphasis Program Manager (SEPM). There are no grade or occupational series requirements for the position. Employees are appointed without regard to race, gender, age, color, national origin, religion or disability. The committee chair shall ensure that all newly appointed committee members receive basic SEPM training as soon as possible, preferably within 60-90 days of their appointment.

The major functions of the Advisory Committee include communicating goals and objectives of the assigned program; reviewing Civil Rights data and becoming familiar with the employment status of minorities, women and people with disabilities (in the assigned programs); developing strategies to overcome any identified barriers to the full employment of members of the assigned programs; and serving as a resource in the workplace and in the community for information on hiring opportunities and outreach sources. Special Emphasis Program Managers' roles and responsibilities include: 1) providing an effective channel of communication to management regarding equal employment; 2) facilitating increased representation of women, minorities, and persons with disabilities where these groups are under-represented and to improve program composition to reflect the population served; and 3) contributing to continual improvement of hiring, training, retention and advancement opportunities for all qualified individuals that would result in a diverse workforce.

The current Advisory Committee Chairs and Vice-Chairs are:

Program	Chair / Vice-Chair	Program	Chair / Vice-Chair
AC	Gloria McFadden	VS-WR	William Stump/Linda Murphy
PPQ-ER	Metwaly Sheta	VS-HQ	Tim Cordes/Deborah Sweitzer
PPQ-HQ	Lillian Stewart	VS-CEAH	Stanley Bruntz/Ziad Malaeb
PPQ-WR	Larry Law	VS-NCRLC	Linda Mansfield/John Hollis
PPQ-PDC	Pandy Tomko	WS	Charlotte Miller
PPQ-CPHST	Feridoon Mehidizadegan	LPA	Ellery Gumbs
PPQ-NCRLC	Leeda Wood	PPD	Phyllis Thomas
VS-ER	Mohammad Khan/Lynette Tobias	IS	Linda Small (Acting)
VS-NVSL/CVB	Barry Latney/Barbara Kesi	MRPBS	Julie Cooper
		BRS	Judy Garrison

EEO Investigations

In Fiscal Year (FY) 2003, the USDA Office of Civil Rights delegated authority to APHIS and other USDA agencies to contract EEO discrimination complaint investigations. During the past three fiscal years, APHIS has decreased the investigation timeframes as well as overall costs.

CREC EEO Complaint specialists serve as the point of contact for investigators by obtaining necessary documents and providing assistance with logistics. Upon completion of the investigation, the contractor provides CREC with a Report of Investigation (ROI), which is reviewed for "legal sufficiency" and distributed to the employee filing the complaint and his/her representative. Copies are also made available to the EEOC Administrative Judge (if a hearing is elected) and the USDA Civil Rights office.

Among the key elements of the investigation process are the following:

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- ❖ **Neutrality** - Investigations are conducted by an independent contract investigator obtained from the GSA Contracting Schedule. The investigative report should be an impartial and appropriate factual record upon which to make findings on the claims raised by the written complaint. The investigator must be and must maintain the appearance of being unbiased, objective, and thorough. The investigator does not make or recommend a finding of discrimination
- ❖ **Timeframe** - Investigations must be completed by the contract investigator within 180 days of filing of the complaint unless the parties agree in writing to extend the period.
- ❖ **Fact Finding** - Investigative inquiries may be made through a variety of fact-finding methods, which include telephonic or on-site interviews, and requests for documents directly related to the issues accepted for investigation. All individuals involved in the investigation process, as either the complainant or witness, are required to fully cooperate with the contract investigator.

Authority: Code of Federal Regulations Title 29 Part 1614.106(2) & 108(b) and the EEOC Management Directive 110

Accessibility (Section 504 of the Rehabilitation Act)

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 provides that no person on the basis of his/her disability will be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

What is Federal financial assistance?

Any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which an

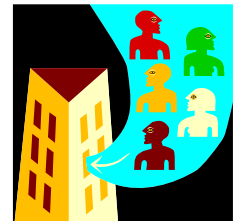
agency provides or otherwise makes available assistance. Federal financial assistance can include but is not limited to funding, use of equipment or facilities, or detail of personnel. The assistance is provided to what is called a recipient, who in turn provides the program or activity to a beneficiary.

What is a Recipient?

Any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program.

What is a Beneficiary?

A person or groups of persons with an entitlement to receive or enjoy the benefits, services, resources, and information, or to participate in the activities or programs.



How Does Section 504 Apply to APHIS Programs and Activities?

APHIS provides Federal financial assistance to recipients such as state and local government, colleges and universities, organizations and other entities to carry out certain programs and activities. Section 504 binds those recipients to not discriminate on the basis of disability against any person(s) who are the beneficiaries of those programs and activities. Equally important is that APHIS is responsible for ensuring that the recipients are in compliance with Section 504, i.e. they do not discriminate against persons on the basis of disability when delivering the programs and activities to the beneficiaries.

Need More Information or Have a Question?

Contact the APHIS Program Delivery, Outreach, and Compliance Team at 202-720-0010.